

Effective 7/1/2015

Superseded 5/10/2016

53A-6-402 Evaluation information on current or prospective school employees -- Notice to employee -- Mandatory employment history check -- Exemption from liability.

- (1)
- (a) The board shall provide the appropriate administrator of a public or private school or of an agency outside the state that is responsible for licensing or certifying educational personnel with a recommendation or other information possessed by the board that has significance in evaluating the employment or license of:
 - (i) a current or prospective school employee;
 - (ii) an educator or education license holder; or
 - (iii) a license applicant.
 - (b) Information supplied under Subsection (1)(a) shall include:
 - (i) the complete record of a hearing; and
 - (ii) the investigative report for matters that:
 - (A) the educator has had an opportunity to contest; and
 - (B) did not proceed to a hearing.
- (2) At the request of the board, an administrator of a public school or school district shall, and an administrator of a private school may, provide a recommendation or other information possessed by the school or school district that has significance in evaluating the employment or licensure of:
- (a) a current or prospective school employee;
 - (b) an educator or education license holder; or
 - (c) a license applicant.
- (3) If a decision is made to deny licensure, to not hire a prospective employee, or to take action against a current employee or educator based upon information provided under this section, the affected individual shall receive notice of the information and be given an opportunity to respond to the information.
- (4) A local school board, a charter school governing board, or the Utah Schools for the Deaf and the Blind shall obtain references and a discipline record from prior employers of an individual before hiring the individual to work:
- (a) as an educator; or
 - (b) in a public school, if the individual would have significant unsupervised access to students.
- (5) A person who, in good faith, provides a recommendation or discloses or receives information under this section is exempt from civil and criminal liability relating to that recommendation, receipt, or disclosure.
- (6) For purposes of this section, "employee" includes a volunteer.